

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ZENON SIMIANO,  
Defendant.

NO. 14-CR-6017-EFS

**ORDER DENYING DEFENDANT'S MOTION  
FOR SENTENCE REDUCTION**

ZENON SIMIANO,

Defendant.

Before the Court, without oral argument, is Defendant Zenon Simiano's Motion for Reduction of Term of Imprisonment pursuant to 18 U.S.C. § 3582(c)(2), ECF No. 35. Defendant moves the Court to apply Amendment 782 to the U.S. Sentencing Guidelines and reduce the 60-month sentence it imposed on July 1, 2015. ECF No. 98.

Defendant is not entitled to the requested relief because when he was sentenced on December 19, 2014, the Court utilized the 2014 Guidelines Manual, which implemented Amendment 782 and included the amended drug quantity table. See U.S. Sentencing Commission Guidelines Manual Suppl. to App. C at 71 (detailing how the amendment reduces the offense levels assigned to the drug quantities by two levels). Therefore, Defendant may not seek a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2) based on the changes to the drug quantity table.

Accordingly, IT IS HEREBY ORDERED: Defendant's Motion for Reduction of Term of Imprisonment pursuant to 18 U.S.C. § 3582(c)(2), ECF No. 35, is DENIED.

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel, to Defendant, and to the U.S. Probation Office.

**DATED** this 28<sup>th</sup> day of October 2015.

s/Edward F. Shea  
EDWARD F. SHEA  
Senior United States District Judge